

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Dezeray M. Roblero-Barrios ,

Civil 07-4101 MJD/FLN

Plaintiff,

v.

O R D E R

Cal Ludeman, Jack Erskine,  
Michael Tessneer, David Pingry, et al.

Defendants.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by  
United States Magistrate Judge Franklin L. Noel dated October 8, 2008, all the files and  
records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. The DHS Defendants' Motion to Dismiss is GRANTED (#22) and the ADA and Section 1983 claims against the DHS Defendants are dismissed with prejudice;
2. Plaintiff's ADA and Section 1983 claims against the Moose Lake Doe Defendants are dismissed with prejudice pursuant to 28 U.S.C. § 1915A;
3. Plaintiff's Section 1983 claims against the Mercy Hospital Doe Defendants are dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
4. Plaintiff's claims for declaratory and injunctive relief are dismissed as moot;
5. Plaintiff's state law claims are dismissed without prejudice.

DATED: November 5, 2008.  
at Minneapolis, Minnesota

s/Michael J. Davis  
CHIEF JUDGE MICHAEL J. DAVIS  
United States District Court